

# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting, Thursday 17th December, 2015  
On rising of the Licensing Regulatory  
Committee (Drawing Room)

### **A G E N D A**

#### **PART ONE**

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.
3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Declarations of Interest.

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 12th November, 2015 (copy attached).

#### **FOR DECISION**

- (D) 7. Appointments on Outside Bodies, Panels, Working Groups etc.

## **Membership of Committee**

Callister (Chairman)  
Seward (Vice Chairman)  
Biggins  
Bleasdale  
Derbyshire  
Heath  
W. McClure  
Maddox  
Opie  
Proffitt  
Wall  
One Vacancy

### **For queries regarding this agenda, please contact:**

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Published: 9th December, 2015

# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting: Thursday 12th November, 2015  
at 2.58 p.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Bleasdale, Derbyshire, Heath, Maddox, Opie, Proffitt, Wall and Williams.

Officers Present:- Jane Holden (Acting Principal Legal Officer), Anne Pearson (Environmental Health Manager), Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer) and Keely Fisher (Democratic Services Officer).

Legal Representative – Mr Paul O'Donnell.

### **10 – Apologies for Absence/Attendance of Substitute Members**

An apology for absence was submitted from Councillor McClure.

Councillor Williams had replaced Councillor Biggins for this meeting only.

### **11 – Minutes**

The Minutes of the meeting held on 23rd July, 2015 were taken as read and confirmed.

#### **REFERRED ITEM**

#### **THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION**

### **12 – Gambling Act 2005 – Statutory Policy Review**

The Principal Environmental Protection and Licensing Officer reported that Section 349 of the Gambling Act 2005 required that the Council develops, consults on and publishes a statement of the principles that they proposed to apply in exercising their functions under the Act during the three-year period to which the policy applies.

The Gambling Act created the three licensing objectives which formed the foundation of the regime. The Statement of Policy must state and promote these objectives:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The statement should also state that the Licensing Authority shall aim to permit the use of premises for gambling as set out in Section 153 of the Act.

The Gambling Act 2005 covered all premises that allowed commercial gambling, which included; Bookmakers, Horse tracks, Dog tracks, Casinos, Amusement Arcades; and Pubs and bars that had gaming machines.

When making deliberations Licensing Committee Members must have regard to this Statement of Gambling Policy together with the statutory guidance issued by the Gambling Commission.

A three month consultation on the updated draft Statement of Gambling Policy had now concluded. The Licensing Committee had delegated power to consider changes to the policy and make subsequent recommendations to the Executive Committee prior to being forwarded to Full Council, with any proposals, for adoption.

No local representations were made however, a response was received from a Solicitor on behalf of the Association of British Bookmakers received by Carlisle City Council on behalf of the Cumbrian Licensing Managers Group as part of the national consultation. This was attached as an appendix to the report.

The Cumbrian Licensing Managers Group had met to discuss the representations made. Their comments and amendments in response to the Solicitor's letter was also appended to the report.

The updated and revised Statement of Gambling Policy was attached as an appendix to the report for Members' consideration.

**RECOMMENDED:-** That the Executive Committee accept the revisions and that the Statement of Gambling Licensing Policy be approved and referred to full Council for formal adoption.

### **13 – Licensing Act 2003 – Statutory Policy Review**

The Principal Environmental Protection and Licensing Officer reported that the Licensing Act 2003 required that the Council publishes a 'Statement of Licensing Policy' every five years setting out the policies the Council will generally apply to promote the four licensing objectives when making decisions on applications, etc. under the Act. The objectives were as follows:-

- The prevention of crime and disorder;
- Public Safety;
- Prevention of public nuisance; and
- Prevention of children from harm

The Council's current Policy Statement came into force in January 2011 and at the time the legislation required the Statement of Licensing Policy to be published every three years. Section 122 of the Police Reform and Social Responsibility Act 2011 changed this from every 3 years to 5 years.

Following those legislative changes a revised policy must be adopted no later than 7th January, 2016.

A three month consultation on the updated Draft Statement of Licensing Policy had now concluded. Section 7(2) Licensing Act 2003 prohibited the Licensing Committee from setting its own policy therefore the draft Policy and the results of the consultation would be reported to the Executive Committee on 2nd December, 2015 for consideration and approval prior to being forwarded to Full Council, with any proposals, for adoption.

The Cumbrian Licensing Managers Group had met to discuss the representations made.

One National representation had been received by email from British Board of Film Classification asking for web-links for their guidelines and helpline link to be amended.

The Statement had been updated to reflect this.

It was reported that two local representations were made; one from Cumbria Fire and Rescue who had requested that as part of the application process Fire Risk Assessments be included; and from a Designated Premises Supervisor (DPS) regarding the provision on free water.

The updated and revised Statement of Licensing Policy was attached as an appendix to the report.

**RECOMMENDED:-** That the Draft Statement of Licensing Policy, the consultation results and the subsequent amendments be noted and reported to the Executive Committee on 2nd December, 2015 for consideration before being forwarded to full Council, with any proposals for adoption.

The meeting closed at 3.06 p.m.

<b>LICENSING COMMITTEE</b>		<b>Part One (D) Agenda Item 7</b>
<b>Date of Meeting: 17th December, 2015</b>		
<b>Reporting Officer: Environmental Health Manager</b>		
<p><b>Title: Appointments on Outside Bodies, Panels, Working Groups etc.</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council has given delegated authority to Committees to make appointments to Outside Bodies, Forums (except Housing Management Forum) Panels, Working Groups etc. in accordance with the number and allocation of seats to political groups agreed at the Annual meeting.</p> <p><b>Recommendation:</b></p> <p>To determine the appointment of a Member representative to the Barrow Alcohol Inquiry Group.</p>		

### **Report**

At the Annual meeting of Council on 18th May, 2015 the allocation of seats in respect of Forums, Panels, Working Groups etc. and certain Outside Bodies was delegated to appropriate Committees to make the necessary appointments.

At the meeting of the Licensing Committee on 23rd July, 2015, Councillor Graham was appointed as a Member representative on the Barrow Alcohol Inquiry Group.

As she resigned as a Councillor in September 2015 the Licensing Committee are now requested to make the necessary appointment to the Barrow Alcohol Inquiry Group.

(i) **Legal Implications**

When Councillors are acting as representatives on another authority they must comply with their Code of Conduct.

(ii) **Risk Assessment**

The recommendation has no implications.

(iii) **Financial Implications**

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Equality and Diversity

Not Applicable.

(vi) Health and Well-being Implications

Not Applicable.

Background Papers

Nil